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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/509,808	09/30/2004	Yoshihito Ueda	450100-04499	8349

7590 10/09/2007
William S Frommer
Frommer Lawrence & Haug
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New York, NY 10151

EXAMINER

DUNN, MISHAWN N

ART UNIT	PAPER NUMBER
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2621

MAIL DATE	DELIVERY MODE
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10/09/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/509,808	Applicant(s) UEDA ET AL.	
	Examiner Mishawn N. Dunn	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 September 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>9/04, 1/07</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 5, 6, 9, 10, and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Asada et al. (US Pub. No. 2004/0081437).

3. Consider claim 1. Asada et al. teaches a shot-image-recording system comprising a shooting device for shooting an object and a signal-recording device for recording in a recording medium an image obtained by shooting the object with the shooting device, wherein said shooting device comprises: shooting means for generating an image signal having a shooting frame rate from a shot image; frame-addition-processing means for adding a frame on the basis of the image signal generated by the shooting means to obtain an image signal having an output frame rate in which the shot image is contained at a variable frame rate and outputting said image signal having the output frame rate and a validity signal indicating frame of the image having the variable frame rate in said image signal having the output frame rate; and shooting control means for controlling operations of the shooting means and the frame-addition-processing means on the basis of a frame-rate-setting signal, to control varying

of the shooting frame rate and/or switching of the number of add frames in the frame addition so that the variable frame rate may be set to a frame rate based on the frame-rate-setting signal, and wherein the signal-recording device comprises: storage means for storing the image signal temporarily; storage control means for selecting an image signal of the image having the variable frame rate from among the image signal having the output frame rate on the basis of said validity signal and storing it in the storage means; recording means for recording a signal in the recording medium; and recording control means for recording the signal stored in the storage means in the recording medium intermittently at a predetermined recording frame rate in accordance with a signal quantity of the image signal stored in the storage means (pg. 4, paras. 0067-0068; fig 1).

4. Consider claim 5. Asada et al. teaches the shot-image-recording system according to claim 1, wherein the image signal having the output frame rate is a signal of a common data rate (CDR) system (fig. 3).

5. Claims 6, 9, 10, and 13 are rejected using similar reasoning as the corresponding claim above.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 3, 4, 8, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Asada et al. (US Pub. No. 2004/0081437) in view of Shioji et al. (US Pub. No. 2003/0107657).

9. Consider claim 3. Asada et al. teaches all claimed limitations as stated above, except wherein the signal-recording device further comprises image compression means; wherein the image compression means compresses the image signal of the image having the variable frame rate; and wherein the storage control means stores the compressed image signal in the storage means.

However, Shinji et al. teaches wherein the signal-recording device further comprises image compression means; wherein the image compression means compresses the image signal of the image having the variable frame rate; and wherein the storage control means stores the compressed image signal in the storage means (pg. 2, para. 0032).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to use, to compress and store the image signal, in order to to be able to store data in an efficient form.

10. Consider claim 4. Asada et al. teaches all claimed limitations as stated above, except wherein the shooting control means generates additional information relevant to the image having the variable frame rate; and wherein the storage control means stores the image signal of the image having the variable frame rate and the additional information in the storage means:

However, Shinji et al. teaches wherein the shooting control means generates additional information relevant to the image having the variable frame rate; and wherein the storage control means stores the image signal of the image having the variable frame rate and the additional information in the storage means (pg. 2, para. 0034)

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to use, to generate additional information, in order to provide information for the handling of the data.

11. Claims 8 and 12 are rejected using similar reasoning as the corresponding claim above.

12. Claims 2, 7, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Asada et al. (US Pub. No. 2004/0081437) in view of Iijima (US Pat. No. 4,472,803).

13. Consider claim 2. Asada et al. teaches all claimed limitations as stated above, except a phase difference between a write position and a read position for the signal as the signal quantity of the image signal stored in the storage means.

However, Iijima teaches a phase difference between a write position and a read position for the signal as the signal quantity of the image signal stored in the storage means (col. 3, lines 26-32).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to use, to provide a phase difference between a write position and a read position for the signal as the signal quantity, in order to prevent the data from being lost or overlapped.

14. Claims 7 and 11 are rejected using similar reasoning as the corresponding claim above.

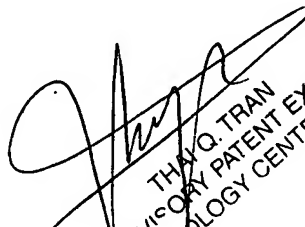
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mishawn N. Dunn whose telephone number is 571-272-7635. The examiner can normally be reached on Monday - Friday 7:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Mishawn Dunn
September 25, 2007



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